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LABOUR & EMPLOYMENT DEPARTMENT NOTIFICATION

The 16th May 2007

S.R.O. No. 330/2007— Whereas the draft of certain rules further to amend the Orissa Industrial Employment (Standing Orders) Rules, 1946 was published as required by sub-section (1) of Section 15 of the Industrial Employment (Standing Order) Act, 1946 in the extraordinary issue No.1105 of the *Orissa Gazette* dated the 7th August, 2006 under the notification of the Government of the Orissa in the Labour & Employment Department No.7196-LL(i) III-70/05/L.E., dated the 4th August, 2006 inviting objections and suggestions from all persons likely to be affected thereby within a period of forty-five days from the date of publication of the said notification;

And, whereas no suggestion / objection has been received within the date so specified in respect of the said draft;

Now, therefore, in exercise of the powers conferred by sub-section (1) and (2) of Section 15 of the said Act, the State Government do hereby make the following rules further to amend the Orissa Industrial Employment (Standing Order) Rules, 1946, namely:—

1. (i) These rules may be called the Orissa Industrial Establishment (Standing Orders) Amendment Rules, 2007.

(ii) They shall come into force on the date of their publication in the *Orissa Gazette*.

2. In the Orissa Industrial Establishment (Standing Orders) Rules, 1946 (hereinafter referred to as the said rules), in rule 5, after item 4, the following item shall be inserted, namely:—

“4-A Number of fixed term employment workmen;”

3. In the said rules, in Schedule I, -

(a) in Paragraph 2, -

(i) in sub-paragraph (a), after item (3), the following item and the respective entry against it shall be inserted, namely:—

“3-A fixed term employment”, and

(ii) after sub-paragraph (g), the following sub-paragraph shall be inserted, namely:—

“(h) A fixed term employment” workman is a workman who has been engaged on the basis of contract of employment for a fixed period whose working hours, wages, allowances and other benefits shall not be less than that of a permanent workman and shall be eligible for all statutory benefits available to a permanent workman proportionately according to the period of service rendered by him even though his period of employment does not extend to the qualifying period of employment required in the statute.”; and

(b) in paragraph 13, for sub-paragraph (2), the following sub-paragraph shall be substituted, namely:—

“(2) Subject to the provisions of the Industrial Disputes Act, 1947 (14 of 1947), no temporary workman whether monthly-rated or weekly-rated or piece rated, and no probationer or badli or fixed term employment workman as a result of non-renewal of contract of employment or on its expiry, shall be entitled to any notice or pay in lieu thereof if his services are terminated but the services of a temporary workman shall not be terminated as a punishment unless he has been given an opportunity of explaining the charges of misconduct alleged against him in the manner prescribed”.

[No.4800-LL(i)-III-13/07/L.E.]

By order of the Governor

S.C.MANTRY

Commissioner-cum-Secretary to Government